

## REMARKS

In the Office Action, the Examiner restricted the claims into three (3) groups. In response to the Restriction Requirement, Applicants hereby provisionally elects, with traverse, group I, claims 1-8, 12, 20, 21, 23, 24 and 37 to prosecute in the above-identified patent application.

Applicants respectfully traverse the Restriction Requirement because (a) the restriction is unreasonable tardy, and (b) there is no undue burden on the Examiner to continue to examine all claims in a single application.

### **(a) Restriction Requirement is Unreasonable Tardy**

The first Office Action for this application was on September 24, 2002. Now more than three years later, a restriction requirement is issued. During this three year period of time, seven Office Actions were issued without any restriction requirements. Yet, essentially the same claims were surprisingly restricted in the eighth Office Action. The late nature of this restriction after many years of examination is unreasonable. This is a clear case of piecemeal prosecution that the MPEP indicates is improper.

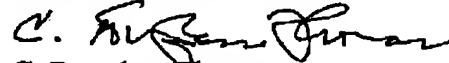
### **(b) Examination of All Claims Would Not Be An Undue Burden**

For three years these claims have been within the examination phase. The PTO has repeatedly reviewed the claims, made rejections and cited prior art. It cannot now be said that there is suddenly an undue burden to further examine the claims in an eighth Office Action when that PTO already issued seven Office Actions.

According it is respectfully requested that the restriction requirement be withdrawn for it is untimely and unreasonable.

If any fees are due in connection with the filing this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. RLC1 G000).

Respectfully submitted,



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